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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,579	02/22/2002	Lee M. DeGross		1994

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Lee M. DeGross
400 Park Place, #1H
Fort Lee, NJ 07024

EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,579

Applicant(s)

DEGROSS, LEE M.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it should be only one paragraph and not contain numbers. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for: "said computer" on line 3, "computer's screen" on lines 4 and 5, "said dictionary elements and other relevant elements for said word" on line 6, "said cursor" and "said text" on line 7.

Elements from the preamble cannot be used to define terms.

"A means for " is unclear. Is this a system or method claim?

Claims 1-10 do not have a period.

Claims 2-10 are not in a correct dependent form. They should read "The method of claim 1, wherein.....".

"Edictionary" is not a common term of art and should be defined or called online dictionary. "Et cetra" is not proper claim terminology.

In claim 7, it is unclear what is meant by "said dictionary elements and said images or moving images elements are to be used judiciously and not always all at once".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by MacMillan (6.256.605).

In regard to claim 1, MacMillan show a system and method for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) a computer, (b) text displayed on the computer's screen (c) a cursor present on the computer's screen whereby said dictionary elements and said other relevant elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (col. 3, ln 20-30, Abstract).

In regard to claim 2, MacMillan show a system and method for conveniently providing dictionary elements, wherein said dictionary elements include but are not limited to definitions, pronunciation keys, syllable breaks, parts of speech entries, synonyms, antonyms, homographs, usages, variants, idioms, quotations, and etymologies (Fig. 1, Thesaurus use – Abstract).

In regard to claim 3, MacMillan show a system and method for conveniently providing dictionary elements, wherein said pop up digital spaces can contain various relevant images and moving images that help said computer users such as photographs, illustrations, paintings, charts, diagrams, films, videos, digital video works, animation, claymation, stop action (print out is generated, col. 3).

In regard to claims 9 and 10, MacMillan show a system and method for conveniently providing dictionary elements, wherein a language or dialect used in said pop up digital spaces can be different from the language used in said text and the language used in said text can be any and all the languages in the world (Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacMillan (cited above).

In regard to claims 4-5 and 8, MacMillan shows a system and method for conveniently providing dictionary elements discussed above. They do not specifically show that pop up digital spaces can be menu driven, and create child edictionaries, and utilize the drag and selection methods of said cursor to select various choices in the menus and if said definitions contain more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase will be highlighted or otherwise

Art Unit: 2655

distinguished. The Examiner takes Official Notice that one of ordinary skill in the art would know that various computer pop up menus commonly include these features and means are determined by the context of the desired word.


In regard to claim 6, MacMillan shows a system and method for conveniently providing dictionary elements discussed above. They do not specifically show that the sources of said dictionary elements and said images or moving images elements can either be from published or professional works, or from extemporaneous origins, or from a combination thereof. The Examiner takes Official Notice that one of ordinary skill in the art would know that sources can come from the desired databases of published or professional works or any Internet reference site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

July 20, 2005